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MANUAL

OF

ELECTION LAWS

FOR THE USE OF

MODERATORS, WARDENS, CLERKS,
AND SUPERVISORS.

PREPARED BY THE

STATE RETURNING BOARD.

1906.

PROVIDENCE:
E. L. FREEMAN COMPANY, PRINTERS TO THE STATE.
1906.

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1906

STATE RETURNING BOARD.

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CHARLES H. HANDY,
C. CLARENCE MAXSON.

RICHARD W. JENNINGS, *Secretary*.
P. O. BOX 843, PROVIDENCE, R. I.

OFFICES:

ROOMS 3 AND 108, STATE HOUSE, PROVIDENCE.

TO VIEW
ANNEXED

TO ELECTION OFFICERS.

The State ballot for the election to be held on November 6th, 1906, will contain the names of candidates for Representative in Congress, General Officers and for members of the General Assembly; also a proposition for the issue of bonds known as the "Metropolitan Park Loan."

The names of the candidates will be arranged upon the ballot in party columns, so that a voter desiring to vote a straight party ticket may do so by making a cross in the circle at the top of the column assigned to the party of his choice. A cross mark in such a circle is a vote not only for a Representative in Congress and for General Officers, but also for members of the General Assembly; therefore THIS BALLOT MUST NOT BE TORN APART, NOR ITS FOLDS SEPARATED IN ANY MANNER WHATSOEVER.

The ENTIRE BALLOT must be returned to the State Returning Board, which, by the changes made in the laws at the January Session, 1905, is now required to count and declare the votes cast for members of the General Assembly; town councils, boards of aldermen, and the board of canvassers and registration in the city of Providence having been relieved of the duty of counting and declaring such votes.

When the votes have been counted in the town, ward or district meeting, the State ballots must be done up in the official wrapper furnished by the Secretary of State.

ELECTION OFFICERS MUST SEE THAT EACH PACKAGE OF BALLOTS IS SEALED UP, ADDRESSED, AND ENDORSED ACCORDING TO LAW.

Each package must be sealed up in accordance with sections 9 and 11, Chapter 829 (see pages 8 and 9). ADHESIVE LABELS bearing the SIGNATURES of the MODERATOR or WARDEN

257157

and CLERK must be so affixed to the package as to guard against any tampering with the ballots after they have left the polling place.

Each package must be addressed and endorsed as required by section 10, Chapter 829. (See page 9.)

Each package must contain the CERTIFICATE signed by the moderator or warden and clerk as required by section 12, Chapter 829 (see page 10), also the reports of supervisors required by section 32, Chapter 11, General Laws. (See page 30.)

The State ballots must be delivered by the clerk of the elective meeting IN PERSON, to the State Returning Board, at the State House, Providence, within FORTY-EIGHT HOURS after they have been sealed up.

If the clerk is unable from any cause to personally deliver the ballots to the State Returning Board, he must appoint, in writing, some officer of his city or town to deliver them.

PACKAGES MUST NOT BE RE-OPENED.

After ballots have been once sealed up in open meeting, the re-opening of the package is prohibited.

The duties of supervisors and the nature of the returns to be made by them will be found in Chapter 11, General Laws, sections 32 to 37, inclusive, and sections 39, 40, and 50.

The offices of the State Returning Board, at the State House, Providence, will be open continuously for twenty-four hours after the close of the polls, and thereafter from 8 A. M. to 7 P. M., until all the ballots have been received.

By direction of the State Returning Board,

RICHARD W. JENNINGS, *Secretary.*

MANUAL OF ELECTION LAWS.

Chapter 38, General Laws.

Moderators and Wardens; Election and Powers.

Chapter 38, General Laws, "Of the quorum, government and conduct of town meetings, and of organization and government of ward meetings," provides:

Who to preside.

Sec. 8. In all meetings of the electors or voters in a town or district, the moderator, and of a ward or district, the warden or district warden, shall preside, if present.

Of election of moderator, warden and clerk *pro tempore.*

Sec. 9. In case of his absence, or of the absence of the ward or district clerk, the town, ward or district may elect a moderator or warden, or clerk, *pro tempore;* and the town, ward or district clerk, and in case of the absence of the town clerk, the town treasurer, shall preside in such election of the moderator or warden, and the warden or moderator shall preside at such election of a ward or district clerk.

Of new election in case of death, etc.

Sec. 10. In case of the death, resignation or permanent disability of the moderator, warden, or ward or district clerk, the town, ward or district may proceed to a new election, the meeting for such purpose being presided over in like manner as for the election of such officer *pro tempore.*

Power of moderator and warden.

Sec. 11. Every moderator or warden shall have power to manage and regulate the business of each meeting, conforming to law, and to maintain peace and good order therein.

Disorderly persons.

Sec. 12. If any person shall conduct himself in a disorderly manner in any town, district or ward meeting, the moderator or warden may order him to withdraw from the meeting; and, on his refusal, may order the town sergeant, or any constable

present, or any other persons, to take him from the meeting, and to confine him in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offence, be fined not exceeding twenty dollars.

CHAPTER 829, PUBLIC LAWS.

Passed March 21, 1901.

AN ACT PRESCRIBING THE MANNER OF CONDUCTING ELECTIONS.

It is enacted by the General Assembly as follows:

Ballot-boxes, how provided and cared for.

SECTION 1. The city clerks of the several cities, other than the city of Providence, and the town clerks of the several towns shall, at the expense of their respective cities and towns, furnish a sufficient number of ballot-boxes for the voting-places in their respective cities and towns, and shall see that such boxes are kept in proper condition for use and that each voting-place is supplied with the required number of such boxes on the day of every town, ward, or district meeting held thereat.

Form of ballot-boxes and how used.

SEC. 2. Said ballot-boxes shall have a sufficient opening in the top to receive the ballots, and shall in open town, ward, and district meeting, and before the balloting has commenced, be opened and exhibited to all present; after which they shall be kept closed and locked, and shall not, by the moderator or warden, nor by any other person whomsoever upon any pretext whatever, be opened until the balloting be completed, and shall be in charge of the moderators and wardens only.

What votes to be received, and what rejected.

SEC. 3. The moderator or warden of any town, ward, or district meeting shall receive the ballots of all person whose names are upon the list of voters certified and delivered to him by the city or town clerk, and shall reject the ballots of all persons attempting to vote whose names are not on said list.

Penalty for illegal rejection or reception of vote.

SEC. 4. Every moderator or warden whose duty it is to receive ballots, and every town, ward, or district clerk, who shall reject the ballot of any voter whose name is on the town, ward, or district list, or who shall receive the ballot of any person whose name is not upon the town, ward, or district list, or who shall place or permit to be placed in or abstract or permit to be abstracted from the ballot-box, or from the ballots during the counting thereof, any ballot, shall be fined not less than five hundred dollars nor more than one thousand dollars or be imprisoned not less than one year nor more than five years, either or both, at the discretion of the court: *Provided*, that nothing herein shall be construed to prevent the lawful depositing of the ballot of such moderator, warden, or clerk.

Voter to announce his name, and name to be repeated and checked before voting.

SEC. 5. Every voter shall at the time of voting announce his name to the moderator or warden, who shall pronounce the same aloud and cause it to be checked upon the voting-list by the clerk before the voter deposits his ballot or enters any voting-machine.

Voter to deposit ballot, in what manner.

SEC. 6. In voting by ballot every voter shall also hold in his hand and deposit in said ballot-box his ballot or ballots in such a manner that said moderator and warden can distinctly see that he deposits but one ballot of a kind.

Ballots to be counted in open town meetings and result announced.

SEC. 7. (As amended by Chapter 1229, Public Laws.) After the voting in any town, ward, or district meeting shall be closed the moderator or warden and the clerk of such meeting shall in open meeting proceed to count the ballots, and the moderator or warden shall announce the result.

Record of elective meetings to be kept by whom, and what to contain.

SEC. 8. The moderator or warden and clerk of such meeting shall make a record in ink, in a book to be provided for that purpose by the secretary of state:

First, Of the date of such meeting;

Second, Of the number of names checked upon the voting-list used at such meeting;

Third, Of the number of votes cast thereat for each candidate, and for what office;

Fourth, Of the number of votes cast for and against any proposition of amendment of the constitution; and

Fifth, Of the number of votes cast for and against any question which has been voted upon at said meeting, and shall each sign such record in ink. Said book shall in no case be enclosed in any package containing ballots, but shall be taken by the moderator or warden of said meeting, upon the adjournment thereof, and be by him kept separate and apart from said ballots, where it will not be exposed to loss or destruction with them, and be by him delivered in person to the clerk of the town or city in which such meeting was held, within twelve hours after such record is made and signed. In case the ballots or any of them given in at such meeting are lost or destroyed, the record in such book shall be evidence of the matters therein contained and may be used in the same manner as such ballots might have been by the board or council authorized to make the final count thereof. The record of each class of ballots shall be made in said book before they are sealed up as provided in this act.

Ballots to be sealed up.

SEC. 9. When the counting of the ballots given in at such meeting is completed, and the result thereof has been announced, the moderator or warden and clerk shall forthwith seal up such ballots in open meeting, together with the certificate provided for in section 12 of this act, by enclosing them in stout paper and binding the package with suitable cord or twine and affixing to the package adhesive labels sufficient in number to prevent the abstraction of any ballots from or the adding of any ballots to the contents of such package, and the moderator or warden and clerk of the meeting shall affix their signatures in ink to each of said labels. Whenever both of the officers whose duty it is to sign such labels are of the same political party, they shall also allow some elector of another

Method of sealing.

Labels to be signed, by whom.

political party to affix his signature in ink to all of such labels: *Provided*, that in towns not divided into voting-districts the ballots cast for town officers need not be so sealed.

Ballots sealed to be delivered to whom and how to be endorsed.

SEC. 10. The packages so sealed up shall each be addressed to the board or council to which they are to be delivered and be plainly endorsed in ink by the clerk of such meeting, with

First, The name of the town or city where such meeting was held;

Second, The number of the voting-district, if it be a district meeting;

Third, The number of the ward, if it be a ward meeting;

Fourth, The number of the ward and of the voting-district therein, if it be a ward-district meeting;

Fifth, The day, month, and year of holding such meeting; and

Sixth, The class or classes of ballots which such package contains.

Ballots, how to be sealed up.

SEC. 11. (As amended by Chapter 1229, Public Laws.) The ballots given at any such meeting for electors of president and vice-president of the United States, representatives in the congress of the United States, general officers of the state, senators and representatives in the general assembly, and ballots given in at any such meeting upon any proposed amendment of the constitution and upon any question or questions submitted to the electors of the state, shall be sealed up in one package, which shall contain no other ballots. In cities and in towns divided into voting-districts the ballots given in at any such meeting for city and town officers, for ward and voting-district officers, and for and against any question submitted to the electors of such city or town shall be sealed up in one package containing no ballots given in for any other officers, or for or against any proposition or question submitted to the electors of the state.

Certificate to be inclosed in package of ballots.

SEC. 12. In each package of ballots sealed up as provided in section 9 of this act there shall be enclosed a certificate in ink, signed by the moderator or warden and clerk of such meeting, stating:

What to set forth.

First, The number of names checked upon the voting-list used at such meeting;

Second, The number of ballots cast for each candidate for whom ballots are enclosed, and for what office;

Third, The number of ballots cast for and against any proposition of amendment of the constitution, if such ballots are enclosed therein;

Fourth, The number of ballots cast for and against any question submitted to the electors, if such ballots are enclosed therein;

Fifth, That such ballots are all the ballots that were given in at such meeting for such candidates or for and against any such proposition or question;

Sixth, The date of such meeting;

Seventh, The city or town, and the number of the ward, voting-district, or ward voting-district in which such meeting was held.

Of the delivery of ballots to state returning-board.

SEC. 13. (As amended by Chapter 1229, Public Laws.) In all cities and towns the packages containing the ballots for electors of president and vice-president, representatives in congress, general officers, senators, and representatives in the general assembly, and for and against any proposition of amendment of the constitution or question submitted to the electors of the state, after such ballots have been counted, declared, sealed, and endorsed as hereinbefore provided, shall be delivered in person by the clerk of such meeting to the state returning-board within forty-eight hours after they have been sealed. Upon the receipt of said packages the secretary of said returning-board shall give to the person so delivering them a certificate of such delivery, on presentation of which to the

town or city council such person shall be paid ten cents for each mile's travel to and from the office of the said returning-board, to be computed from the place of voting.

Of the delivery of ballots cast in cities other than Providence and towns divided into voting-districts.

SEC. 14. (As amended by Chapter 1229, Public Laws.) In cities other than the city of Providence, and in towns divided into voting-districts, the packages containing the ballots cast at any such meeting for city and town officers, and voting-district, ward, and ward-voting-district officers, and for and against any question submitted to the electors of such city or town, after such ballots have been counted, recorded, sealed, and endorsed as hereinbefore provided, shall be delivered in person by the clerk of such meeting to the clerk of the city or town where such meeting was held within twelve hours after such sealing is done.

City of Providence.

SEC. 15. In the city of Providence the packages containing the ballots described in section 14 of this act, given in at any such meeting, after such ballots have been counted, recorded, sealed, and endorsed as hereinbefore provided, shall be delivered in person by the clerk of such meeting to the board of canvassers and registration within twelve hours after such sealing is done.

SEC. 16. Repealed by Chapter 1229, Public Laws.

Of adjourned meetings of electors.

SEC. 17. In cities other than the city of Providence, and in towns divided into voting-districts, ward and district meetings held therein respectively for the election of city, town, ward, and voting-district officers, or of any of them, shall at the time of closing the polls therein prescribed by law stand adjourned to the seventh day next from and after the day so appointed unless the said seventh day shall fall on a holiday, and in that event to the day following said holiday, with like adjournment therefrom. *Provided, however*, that in Westerly and Hopkinton there shall be no election held on Saturday, and if the day of any such adjournment fall on Saturday the meeting shall stand adjourned to the Monday following.

Of re-opening polls in towns not divided into voting-districts.

SEC. 18. If in any case in a town not divided into voting-districts there shall be no election of the town officers voted for who are required to be elected by the people, or of any of them, the polls may be re-opened and the like proceedings shall be had until an election takes place. In such towns, after the declaration of the result of the voting for town officers, the town clerks shall give certificates of their election to the persons elected town officers.

Boards and town councils to count certain ballots on the day after election.

SEC. 19. (As amended by Chapter 1229, Public Laws.) In the city of Providence the board of canvassers and registration, and in the cities other than the city of Providence and in towns divided into voting-districts the boards of aldermen and town councils, shall be in session on the day following any election for city, town, ward, and voting-district officers, or for any of them, and shall in open meeting count the ballots given in at such election and declare the result thereof, and the clerks of such boards and councils shall make a record thereof. The several city and town clerks shall forthwith after such declaration give certificates of their election to the persons declared elected.

Who may be allowed to scrutinize the counting of ballots.

SEC. 20. The several boards and councils named in section 19 of this act shall, at the counting of the ballots provided for therein, admit two republicans and two democrats within the space reserved for such counting, and allow them to scrutinize said counting under such reasonable restrictions as may be prescribed by such boards and councils. Each of such republicans and democrats shall be authorized in writing, by the chairman of the city or town committee of the political party to which he belongs. The provisions of this section shall not be construed to prevent said boards or councils from admitting, in their discretion, other persons within said reserved space during such counting.

SEC. 21. Repealed by Chapter 1229, Public Laws.

SEC. 22. No package of ballots, after having been sealed

as provided in section 9 of this act, shall thereafter be opened by any moderator, warden, or clerk, or by any other person upon any pretence whatever, except by the boards or councils authorized by law to count the same and at the time provided for such counting. Any person who shall willfully violate any of the provisions of this section shall be fined not more than one thousand dollars or be imprisoned not more than three years, or both.

Packages of ballots once sealed not to be opened except by whom.

SEC. 23. The secretary of state shall at the expense of the state procure for use at all elective meetings held therein a sufficient supply of suitably strong cord and twine and of paper for enclosing the ballots, and also of adhesive labels not less than four inches in length and two and one-quarter inches in width, for use in complying with the provisions of section 9 of this act. He shall also for use at all meetings held therein for the election of electors of president and vice-president of the United States, representatives in congress, general officers, and senators and representatives in the general assembly, or for voting upon propositions or questions submitted to the electors of the state, have printed at such expense, upon the paper for enclosing the ballots or upon adhesive labels not less than six inches in length and four inches in width, a sufficient number of blank forms of the endorsement provided for in section 10 of this act, and upon suitable paper a sufficient supply of blank forms of the certificates provided for in section 12 of this act, and shall furnish to the city or town clerk of each city and town, at least ten days before the day for holding such meetings, an ample quantity of each of the articles named in this section for use at all meetings to be held in such city or town.

Certain election supplies to be furnished by the secretary of state.

SEC. 24. The several city and town clerks shall at the expense of their respective cities and towns procure for use at meetings held therein for the election of city, town, ward, and district officers a sufficient supply of blank forms of the endorsement provided for in section 10 of this act, printed upon

City and town clerks to furnish certain supplies.

adhesive labels not less than six inches in length and four inches in width, or upon strong paper of suitable size for enclosing the ballots as provided in section 9 of this act, and of the certificates provided for in section 12 of this act; and shall seasonably furnish at each voting-place therein, on the day of every election held thereat, an ample quantity of each of the articles named in this section, and of the articles provided in section 23 of this act, to be furnished to him by the secretary of state.

Clerks may appoint some officer to deliver ballots, when.

SEC. 25. Every clerk upon whom is imposed by this act the duty of delivering any package of ballots may appoint in writing some officer of the city or town where he resides to deliver such package in his stead, in case of his sickness or absolute inability to deliver the same in person.

Words "ballots" and "votes" construed.

SEC. 26. Wherever in this act the word "ballots" or the word "votes" is used it shall be construed to mean the evidence of the intent of the voters as shown by the tally-sheets or records made upon paper by any voting-machine used in the election of officers or in voting upon any proposition or question.

Words "voting-district," "warden," and "clerk" construed.

SEC. 27. The words "voting-district" shall be construed to include ward voting-districts, the word "warden" ward-district wardens, and the word "clerk" ward-district clerks, wherever used in this act, and the duties imposed upon wardens and clerks by this act are hereby imposed upon ward-district wardens and ward-district clerks.

Penalty for neglect or refusal to furnish certificates of election.

SEC. 28. Every city or town clerk who shall neglect or refuse to furnish any city, town, ward, or voting-district officer elect with a proper certificate of his election as soon as may be thereafter shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned not exceeding six months, either or both, at the discretion of the court which shall try such offender.

Penalty for neglect to count, seal up, etc, ballots.

SEC. 29. Every moderator, warden, or clerk who shall neglect to count the ballots or to declare the result thereof as

provided in this act or to seal up the ballots at the time and in the manner provided therein, or who shall knowingly seal up only a part of the ballots, or who shall willfully neglect to enclose in the package with the ballots the certificate provided for in section 12 hereof or to make and sign the record in the book kept for that purpose, shall be fined not less than fifty dollars nor more than three thousand dollars, or be imprisoned not more than three years, or both, in the discretion of the court before which such offender shall be tried.

Penalties on moderators, wardens, and clerks.

SEC. 30. Every moderator or warden who shall neglect to take, keep, or deliver the record-book of any elective meeting to the officer in the manner or at the time provided in this act, and every clerk who shall neglect to make the endorsement upon any package of ballots or to deliver such package as so provided, and every officer authorized by any clerk to deliver any package of ballots in his stead who shall neglect to deliver the same to the proper person or within the time so provided, and every city or town clerk who shall neglect to provide at each voting-place in the city or town of which he is clerk an ample supply of the articles named in section 24 of this act, or of any of them, shall be fined not less than twenty dollars nor more than one thousand dollars, or be imprisoned not more than one year, or both, in the discretion of the court before which such offender shall be tried.

SEC. 31. Chapter 10 of the General Laws is hereby repealed, and all provisions of any special law in relation to any city or town and of any of the General Laws or of the Public Laws inconsistent herewith are hereby repealed so far as they apply to the conduct of elections held for any of the officers or for voting upon any proposition or question named in this act, and this chapter shall take effect immediately.

CHAPTER 11 OF THE GENERAL LAWS.

Of Elections by Secret Ballot.

Ballots used at state elections, how to be furnished.

SECTION 1. (As amended by Chapter 1229, Public Laws.) For all elections of electors of president and vice-president of the United States, representatives in the congress of the United States, general officers of the state, and members of the general assembly, the nominations for such offices shall be printed on one ballot together with any proposed amendment to the constitution of the state or other question submitted to the electors of the state. The printing of such ballots and the instruction-sheets hereinafter provided, and the delivery of them to the several cities and towns, shall be paid for by the state. The distribution of the ballots to the voters shall be paid for by the cities and towns, respectively.

Ballots for elections of city officers, and votes on city questions, how furnished.

SEC. 2. All ballots cast in elections by the people of the several cities (not including towns) for mayor, other general city officers and members of the school committee, for members of the city council, and for ward or voting-district officers in any city, or on any question submitted to the vote of the electors of any city, shall be printed and distributed at the expense of such city, as hereinafter provided.

Ballots for election of town officers, how furnished.

SEC. 3. In elections by the people of the several towns (not including cities) which have adopted, or shall adopt, the system of voting provided by this chapter, all ballots cast for officers who are elected by the people of such towns respectively, members of the school committee, and voting-district officers, shall be printed and distributed at the expense of such towns, as hereinafter provided.

NOMINATION OF CANDIDATES IN CONVENTION OR CAUCUS.

State officers, how to be nominated in convention or caucus.

SEC. 4. Any convention of delegates representing a political party which, at the election next preceding, polled at least two per centum of the entire vote cast in the state, may for the state make one nomination for each office mentioned in section 1 of this chapter, therein to be filled at the election, and any convention of delegates or caucus representing a political party which at the election next preceding polled at least two per centum of the entire vote in any congressional district, city or town, may, for the district, city or town, make one nomination for each office mentioned in said section 1, therein to be filled at the election, by causing a certificate of nomination to be duly filed, as hereinafter provided. Every such certificate of nomination shall state such facts as are required for its acceptance by this section and by section 14 of this chapter.

City officers, how to be nominated in convention or caucus.

SEC. 5. Any convention of delegates representing a political party which, at the election next preceding, polled at least two per centum of the entire vote cast in the city for which the nomination is made, held in any such city, and any caucus of such a political party, held in any such city, for the nomination of general city officers, or school committee, or in any ward or voting-district, in such city, for the nomination of officers to be chosen by the voters of such ward or voting-district, may, for the city, ward, or voting-district for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required for its acceptance by this section and by section 14 of this chapter.

Town officers, how to be nominated in convention or caucus.

SEC. 6. Any convention of delegates representing a political party which, at the election next preceding, polled at least two per centum of the entire vote cast in the town for which

the nomination is made, held in any such town, and any caucus of such a political party, held in any such town, for the nomination of the officers referred to in section 3 of this chapter, as the case may be, by causing a certificate of nomination to be duly filed, may make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required for its acceptance by this section and by section 14 of this chapter.

[Section 1, Chapter 1059, Public Laws, provides: "*Wherever the words 'political party' are used in sections* 4, 5, *and* 6 *of Chapter* 11 *of the General Laws, they shall be construed to mean a political party which at the next preceding annual election of state officers cast for its candidate for governor at least two per centum of all the votes cast in the state for that officer.*"]

NOMINATION OF CANDIDATES BY INDIVIDUAL VOTERS.

General officers may be nominated by 500 electors.

SEC. 7. Nominations of candidates for any offices to be filled by the voters of the state at large, or of a congressional district, may be made by nomination-papers signed in the aggregate for each candidate by not less than five hundred qualified voters of the state in the case of a state office, and two hundred and fifty in the case of a representative in congress.

Representatives in congress by 250 electors.

Assemblymen in cities by 100 electors.

SEC. 8. Nominations of candidates for members of the general assembly in any city may be made by nomination-papers signed by one hundred qualified voters of such city.

Assemblymen in towns by 50 electors.

SEC. 9. Nominations of candidates for members of the general assembly in any town may be made by nomination-papers signed by fifty qualified voters of such town.

General city officers by 100 electors.

SEC. 10. Nominations of candidates for any municipal offices to be filled by the voters of any city at large may be made by nomination-papers signed in the aggregate for each candidate by not less than one hundred qualified voters of such city.

General town officers by 50 electors.

SEC. 11. Nominations of candidates for any municipal offices to be filled by the voters of any town at large (not including cities) may be made by nomination-papers signed in the aggregate for each candidate by not less than fifty qualified voters of such town.

Ward and voting-district officers in cities and towns by 50 electors.

SEC. 12. (As amended by Chapter 1059, Public Laws.) Nominations of candidates for offices to be filled by the voters of any ward or voting-district of any city or town may be made by nomination-papers signed in the aggregate for each candidate by not less than fifty qualified voters of such ward or voting-district.

Form of nomination-papers as to signers, and certificate of city or town clerk, as to qualification of signers.

SEC. 13. Each voter signing a nomination-paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled and no more. The nomination-papers shall, before being filed, be respectively submitted to the city or town clerks of cities or towns in which the signers purport to be qualified voters, and each city or town clerk to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters in the city or town for which he is clerk.

CERTIFICATES OF NOMINATION AND NOMINATION-PAPERS.

Form of certificates of nominations and nomination-papers, as to candidates.

SEC. 14. Every certificate of nomination and every nomination-paper shall, besides containing the names of candidates, specify as to each: (1) the office for which he was nominated; (2) the party or political principle which he represents, expressed in not more than three words: *Provided*, that in such expression the words "Republican" or "Democrat" shall not be combined with any other word or words; and (3) his place of residence with street and number thereon, if any. And in the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Certificates of nominations to be authenticated.

SEC. 15. Every certificate of nomination shall be signed by the presiding officer, and by the secretary or clerk, of the caucus or convention by which the nominations, thereby certified, were made, and each of said officers shall add thereto his place of residence; and the officers signing said certificate shall swear that the statements contained in the same are true to the best of their knowledge, information and belief, and a jurat of said oath shall be affixed to said certificate by the officer before whom said oath was made.

Certificates of nominations, and nomination-papers, to be filed when.

SEC. 16. (As amended by Chapter 812, section 1, Public Laws.) Certificates of nomination and nomination-papers for officers referred to in section 1 of this chapter shall be filed at least twenty days, and such certificates and papers for officers referred to in sections 2 and 3 of this chapter shall be filed at least fifteen days, previous to the day of the election for which the candidates are nominated, and may be filed by any person lawfully in possession of the same for that purpose.

Candidates may withdraw, how and when; but nominations published and posted to remain valid.

SEC. 17. (As amended by chapter 812, Public Laws.) Any person whose name has been presented as a candidate for any office mentioned in section 1 of this chapter may cause his name to be withdrawn from nomination, by request in writing signed by him and acknowledged before any officer qualified to take acknowledgments of deeds, and filed with the secretary of state, at least eighteen days previous to the day of the election for which such candidate was nominated; and any person whose name has been presented as a candidate for any office referred to in sections 2 and 3 of this chapter may cause his name to be withdrawn from nomination, by request in writing signed and acknowledged as aforesaid, and filed with the city clerk or town clerk of the city or town, respectively, in which, or in any ward or voting-district of which, the election of candidates for said last-mentioned office is to be held, at least thirteen days previous to the day of the election for which such candidate was nominated. No name so withdrawn shall be

printed upon the ballots; but no nomination which is actually published and posted as provided in this chapter shall be subsequently omitted as invalid.

Vacancies by withdrawal or death of candidates, how to be filled, and within what time.

SEC. 18. Whenever any candidate shall have withdrawn as herein provided, or whenever any candidate, duly nominated, shall die, the vacancy may be supplied by the political party, or other persons, making the nomination, by the nomination of another candidate in the same manner hereinbefore provided, or, if there is not sufficient time, in such manner as such party may have before provided by a vote of the convention or caucus thereof, or, if there has been no such vote, in such manner as the executive committee, or other general committee representing such party for the state, district, city or town, ward or voting-district, as the case may be, shall provide, said nomination to be filed in manner hereinbefore provided.

Certificates of nominations, nomination-papers, requests for withdrawal, and certificates for substitute nominations, where to be filed.

SEC. 19. Certificates of nomination and nomination-papers, and requests for withdrawal of the name of any candidate, and nominations in substitution of candidates so withdrawing, relating to any of the offices mentioned in section 1 of this chapter, shall be filed with the secretary of state, or in his office with some person there present and officially representing him; and certificates of nomination and nomination-papers, and requests for withdrawal of the name of any candidate, and nominations in substitution of candidates so withdrawing, relating to any of the offices referred to in sections 2 and 3 of this chapter, shall be filed with the city clerk or town clerk of the city or town, respectively, in which, or in any ward or voting-district of which, the election of candidates for said last-mentioned offices is to be held, or shall be filed in the office of such city clerk or town clerk with some person there present and officially representing him.

Nominations shall be open to public inspection.

SEC. 20. All certificates of nomination and nomination-papers, and all requests for withdrawal of the name of any candidate, and all nominations in substitution of candidates so

withdrawing, when filed, shall be open, under proper regulations, to public inspection, and the secretary of state, city clerks and town clerks, respectively, shall preserve the same in their respective offices not less than one year.

Of voting in case of candidate dying too late for new nomination.

SEC. 21. In case any candidate shall die before the election, but too late for a new nomination to be printed on the ballots, the voters may vote for any other person for the same office by substituting the name of such other person in the blank space on said ticket and placing a cross at the right of said name.

Ballots, how prepared, and what to contain.

SEC. 22. (As amended by Chapter 1229, Public Laws.) Every ballot printed in accordance with the provisions of this chapter shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, and shall contain no other names except the surnames of candidates for president and vice-president of the United States. The names of all such candidates and the offices for which they are nominated shall be arranged on the ballot in perpendicular columns, one column being assigned to each political party making nominations by convention, caucus, or nomination-papers in accordance with the provisions of this chapter: *Provided, however*, that in case only a partial list of candidates is nominated by any political party other than the republican or democratic party, two or more such lists may be arranged whenever practicable in the same column.

The first column on the left-hand side of every ballot printed in accordance with the provisions of this chapter shall contain only the names of the nominees of the republican party; the second column only those of the democratic party; and the order of such other nominations as may be made shall be determined by the official whose duty it is to prepare the ballots. At the top of each column or list, immediately above the title of the first office to be voted for, there shall be printed in capital

letters not less than one-fourth of an inch in height the name of the political party by which the candidates in such column were nominated. In case a nomination is made by nomination-papers, the words "nom. papers" shall be added to the party name.

Above such party name shall be printed a circle not less than seven-eighths of an inch in diameter, and such circle shall be surrounded by the following words printed in plain letters: "For a straight ticket make a cross (X) within the circle." Above each circle shall be printed an emblem or device designating or distinguishing the political party whose nominations have been assigned to that column. Such emblem or device of the republican party shall be the representation of an eagle, and such emblem or device of the democratic party shall be the representation of a star. The emblem or device designating or distinguishing any other political party whose nominations may now, or from time to time, be entitled to be placed upon the ballot shall be selected by the secretary of state and be printed upon the ballot above the column assigned to the nominations of such party: *Provided, however*, that the emblem or device shall be entirely different for each political party, and may be any appropriate symbol; but neither the coat of arms or seal of any state or of the United States, the national flag, any religious emblem or symbol, the seal of any society, the portrait of any person, or the representation of a coin or of the currency of the United States, shall be chosen as a distinguishing emblem. Whenever any emblem or device has been selected by the secretary of state, and used upon official ballots for any political party, it shall not thereafter be so used for any other political party.

In each column the names of the candidates, their residence together with the street and number if any, shall be placed immediately below the title of the office for which they are nominated, and at the right of the name of each candidate and on

the same line there shall be a square so printed as to give the voter an opportunity to designate by a cross (X) therein his choice of candidates; except that in case of candidates for electors of president and vice-president of the United States one square shall suffice for each group of such candidates. Above the last or right-hand column of each ballot there shall be no circle or device, but there shall be printed in such column in the regular order the title of each office to be voted for; as "For Governor," "For Senator," and the like, and beneath each title there shall be left as many blank lines as there are persons to be elected to such office.

On ballots provided for elections mentioned in section 1 of this chapter the various offices to be voted for shall be arranged in each column in the following order: First, electors of president and vice-president of the United States; second, representative in the congress of the United States; third, governor; fourth, lieutenant-governor; fifth, secretary of state; sixth, attorney-general; seventh, general treasurer; eighth, senator in the general assembly; ninth, representative or representatives in the general assembly. On ballots provided for elections mentioned in sections 2 and 3 of this chapter the offices to be voted for shall be arranged in each column by the city or town clerk.

Whenever a constitutional amendment or other question is submitted to the vote of the electors of the state such amendment or question shall, if candidates for office are to be voted for at the same time, be printed upon the ballot after or beneath the lists of candidates, and the same arrangement shall be followed on ballots used in elections for officers named in sections 2 and 3 of this chapter, whenever a question is submitted to the electors of a city or town at such elections. The ballots shall be so printed as to give to each voter an opportunity to designate by a cross-mark (X) in a square his answer to the question submitted.

All ballots provided by the secretary of state under the provisions of this chapter shall be printed on plain white paper of a quality approved by him, and there shall be no mark or impression to distinguish one ballot from another. The names of all candidates shall be printed thereon in uniform type.

Ballots to be folded and endorsed, how.

SEC. 23. Before distribution the ballots shall be folded so that no printing shall appear except the endorsement, which shall be printed on the back and outside, OFFICIAL BALLOT FOR, followed by the designation of the polling-place for which the ballot is prepared, the date of the election, and a fac-simile of the signature of the secretary of state, city clerk or town clerk, respectively, who has caused the ballots to be so printed and folded.

All nominations to be on one ballot; ballots to be used by registry and by property voters, how distinguished.

SEC. 24. All nominations for offices to be voted for in accordance with the provisions of this chapter, at any election mentioned in sections 2 and 3 thereof, by any one elector, shall be printed on one ballot which shall have printed on the back and outside the words CITY OFFICERS, or TOWN OFFICERS, as the case may be: *Provided*, that special ballots, containing the nominations for members of the city council, in addition to the nominations for offices which can be voted for by voters qualified to vote by registry at any election mentioned in section 2 of this chapter, shall be printed for the use of such electors only as are qualified to vote for members of the city council. Said special ballots shall be printed on paper of a different color from that of the other official ballots or the specimen-ballots, and shall have printed on the back and outside the additional word COUNCIL, and shall be given by the supervisors to such electors only as are qualified to vote for members of the city council.

Ballots to be put up in packages of 100 each, and accounted for.

SEC. 25. All ballots when printed shall be folded as hereinbefore provided and put up in packages of one hundred each. A record of the number of ballots printed and furnished to each polling-place shall be kept and preserved by the secretary of

state, or the city or town clerk, respectively, furnishing the same.

Ballots, number of to be furnished.

SEC. 26. (As amended by Chapter 1229, Public Laws.) There shall be provided for each voting-place at which an election is to be held not less than sixty ballots for every fifty and every fraction of fifty qualified voters therein; and it shall be the duty of the city or town clerk in each city or town in which an election for any of the officers mentioned in the first section of this chapter is to be held to certify to the secretary of state, fourteen days previous to any such election, the number, as near as possible, of voters then qualified to vote at each voting-place of such city or town. It shall be the duty of the secretary of state to provide said ballots for any election mentioned in section 1 of this chapter; and it shall be the duty of the city clerk and town clerk of the several cities and towns to provide said ballots for any election mentioned in section 2 and section 3 of this chapter, respectively.

INFORMATION TO VOTERS.

Instruction-sheets and specimen-ballots, to be prepared for the guidance of voters.

SEC. 27. For any election mentioned in section 1 of this chapter, the secretary of state, and for any election mentioned in section 2 and section 3 of this chapter, respectively, the respective city clerk and town clerk of the several cities and towns, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and he shall cause the same to be printed in large, clear type, on separate sheets, to be called INSTRUCTION-SHEETS; he shall also cause to be printed, in the same manner, sections 43, 44, 45, and 46 of this chapter, which he shall furnish with the ballots for use in each such election. He shall also cause to be printed on paper of a different color from that of the official ballots, and without the fac-simile endorsements, ten or more

copies of the form of the ballot provided for each voting-place at each election therein, which shall be called SPECIMEN-BALLOTS and shall be furnished with the other ballots provided for such voting-place.

Printed lists of candidates for national or state elections, substantially in form of ballot, to be transmitted to city and town clerks by secretary of state.

SEC. 28. The secretary of state shall, four days at least previous to the day of any election of national or state officers, transmit to the city and town clerks in each city and town in which such election is to be held, printed lists containing the names, residences, and party or political appellations, of all candidates nominated as herein provided for such election and to be voted for at each polling-place in each such city and town respectively, substantially in the form of the ballot to be so used therein; and in case of any election of city, town, ward, or voting-district officers, the city clerk or town clerk shall, four days at least previous to the day of such election, prepare printed lists containing the names, residences, and party or political appellations, of all candidates nominated as herein provided for such elections, and to be voted for at each polling-place in such city, town, ward, or voting-district, as the case may be, substantially in the form of the ballot to be used therein. And the city or town clerk shall, immediately after the reception or preparation, respectively, of the lists mentioned in this section, cause the list for each city, town, ward, or voting-district, as the case may be, for such election, to be conspicuously posted in not less than five public places in such city, town, ward and voting-district.

Printed lists of candidates for city or town elections, substantially in form of ballot, to be prepared by city or town clerk.

Lists to be posted before election.

Ballots, delivery of by secretary of state.

SEC. 29. (As amended by Chapter 1229, Public Laws.) The secretary of state shall send the ballots provided by him for any election, together with the specimen-ballots and instruction-sheets printed by him as herein provided, to the several city and town clerks, so as to be received by them forty-eight hours at least previous to the day of election. The same shall be sent in a sealed package, with marks on the outside clearly designating the polling-place for which the package is

intended and the number of ballots enclosed; and the respective city and town clerks shall, on delivery to them of such package, return receipt therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which, the package is sent, and shall preserve for the period of one year the receipt of the city and town clerks.

Ballots, delivery of, by city and town clerks.

SEC. 30. (As amended by Chapter 1229, Public Laws.) The city clerk and town clerk of the respective cities and towns shall send to the warden or moderator of each voting-place, before the opening of the polls on the day of election, the ballots so prepared, sealed, and marked for such voting-place, by the secretary of state for any election mentioned in section 1 of this chapter, or prepared, sealed, and marked for such voting-place by himself as such clerk in like manner for any election mentioned in section 2 and section 3 of this chapter, respectively, and a receipt of such delivery shall be returned to him from the warden or moderator present, which receipt, with a record of the number of ballots sent, shall be kept in the clerk's office. At the opening of the polls in each voting-place the seals of the package shall be publicly broken, and the package shall be opened by the warden or moderator, and the ballots shall be delivered to the supervisors of election provided by law. The instruction-sheets shall be immediately posted at or in each voting-shelf or compartment provided in accordance with this chapter for the marking of ballots, and not less than three such sheets and not less than five specimen-ballots shall be immediately posted in or about the polling-room, outside the guard rails.

Of loss, theft, or destruction of ballots.

SEC. 31. In case the ballots to be furnished to any city or town or voting-place therein, in accordance with the provisions of this chapter, shall fail for any reason to be duly delivered, or in case, after delivery, they shall be destroyed or stolen or lost, it shall be the duty of the clerk of such city or town to procure and deliver to the warden or moderator re-

quiring the same, other ballots substantially in the form of the ballots so wanting; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen or lost, the warden or moderator shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

SUPERVISORS OF ELECTION.

Boards of aldermen, and town councils, to appoint supervisors of elections.

SEC. 32. At least ten days before any election as aforesaid the boards of aldermen of cities shall appoint six, and the town councils of towns shall appoint four and may appoint six, supervisors of election for each ward, town, or voting-district wherein an election is to be held, in their resepctive cities and towns, who shall be republicans and democrats in equal numbers, to be selected from a list of not less than six electors presented to said board of aldermen of the city, or town council of the town, by the city, town, ward or voting-district committee of the republican and democratic parties, respectively, the republican supervisors to be selected from the republican list and the democratic supervisors from the democratic list, or, in case any such committee shall fail to submit such list within the required time, from electors of the same political party as the committee so failing to submit such list. Every person appointed a supervisor of election shall, within forty-eight hours thereafter, be notified in writing by the city or town clerk, respectively, of such appointment; and the person so appointed shall, in writing and within forty-eight hours after receiving such notice, notify said clerk from whom such notice was received of his acceptance or declination of the appointment. In case no notice shall be received by said clerk from a person appointed as aforesaid within the time specified, it shall be deemed that the person so appointed has declined to

Appointees to accept or decline in writing.

Duty of supervisors.

serve. It shall be the duty of said supervisors of election to be present at the opening and at the closing of the polls at said election in the ward, town, or voting-district for which they shall be respectively appointed, and during the time the same shall be kept open, and they shall personally supervise the opening of the ballot-boxes, and the sorting, counting, certifying, sealing up and returning, of the ballots cast in said ward, town or voting-district; and they shall make returns, by joint or separate report, in national, state, and city elections, to the returning-board or boards to whom said ballots are by law required to be returned, and in town elections to the town councils, setting forth that they have performed the several duties herein required of them, and may make a statement of such other facts relating to the premises as they may deem proper to bring to the attention of said returning-board and

To be sworn.

town council, respectively. Each of said supervisors of election shall be sworn to the faithful discharge of said duties, and shall receive such compensation for his services as may be from time to time fixed by the board of aldermen and town council, respectively.

Vacancies, how filled.

Any vacancy existing among said supervisors of election, whether by declination or refusal to serve or by failure from any cause to appear at, or to remain during, the time when they are required to perform their said duties, shall be immediately filled by the mayor of the city, or president of the town council, respectively, from the lists before mentioned, by the substitution of a person of the same political party as was the supervisor first appointed. But nothing in this section contained shall be so construed as to relieve the warden and ward clerks or moderators and clerks or district clerks from any of the duties or liabilities by law required or imposed upon them as such officers. (Chapter 343, Public Laws, provides that four supervisors shall be appointed for each ward in the city of Central Falls.)

Supervisors to have charge of ballots.

SEC. 33. The supervisors appointed in each ward, voting-district, and town, shall have the charge of the ballots therein, received from the city and town clerks as hereinbefore provided, and shall receipt for the same to the warden or moderator, respectively, and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each ward, town or voting-district shall be prepared for the use of the supervisors, and all the provisions of law relative to the preparation and furnishing of voting-lists shall apply to such duplicate lists. Two of said supervisors, one a democrat and the other a republican, shall be detailed by the moderator to act as ballot clerks. The two supervisors detailed as above shall have immediate charge of the duplicate list and the ballots, and shall furnish them to the voters in the manner hereinafter set forth.

One set of supervisors to act in all elections on same day.

SEC. 34. Whenever any of the elections provided for by sections 2 or 3 of this chapter shall occur on the same day as an election for national or state officers, in any city or town, the supervisors appointed hereunder shall be the supervisors for all of such elections.

Supervisors not to be candidates.

SEC. 35. No supervisor appointed under the provisions of this chapter, who shall consent to serve, shall be a candidate for any office to be filled at such election.

VOTING-SHELVES OR COMPARTMENTS.

Voting-places to be equipped in what manner.

SEC. 36. The city and town councils in each city and town shall cause each voting-place therein to be suitably provided with a sufficient number of voting-shelves or compartments, not less than one for each one hundred voters and in no case less than three, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard-rail with only one place for entrance and another place for exit shall be so constructed and placed that only such persons as

are inside said rail can approach within ten feet of the ballot-boxes, and of such voting-shelves or compartments. The arrangements shall be such that neither the ballot-boxes nor the voting-shelves or compartments shall be hidden from view of those just outside the said guard-rail. No person other than the warden or moderator, as the case may be, clerks, supervisors and voters admitted as hereinafter provided, shall be permitted within said rail except by authority of the said warden or moderator for the purpose of keeping order and enforcing the law. Each voting-shelf or compartment shall be kept provided, by the city, town, ward and district clerks, with proper pencils for marking the ballots, which pencils shall be by the supervisors kept in condition for use; but all pencils furnished for said purpose in any election shall, in each voting-district, be such as will mark a uniform color, and in marking his ballot no voter shall use a pencil marking a different color.

MANNER OF VOTING.

Ballot is to be obtained from supervisor.

SEC. 37. Any person desiring to vote shall give his name and if requested so to do, his residence, to one of the supervisors, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the voting-list the supervisor in charge of the voting-list shall repeat the said name in the same manner, and the voter shall be allowed to enter the space enclosed by the guard-rail as above provided. The supervisor shall give him one, and only one, ballot of each kind that he is entitled to vote, and his name shall be immediately checked on the supervisor's list. Besides the election-officers, not more than four voters in excess of the number of voting-shelves or compartments provided shall be allowed in said enclosed space at one time. No supervisor shall put any mark upon any ballot, except as provided in section 40 of this chapter. No super-

visor, except as provided in section 40 of this chapter, and no other person, when within said enclosed space, shall witness, or attempt to witness, the marking by any voter of his ballot.

Preparation of ballot by voter, and manner of marking same.

SEC. 38. (As amended by Chapter 1229, Public Laws.) On receipt of his ballot from the proper election officer, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting-shelves or compartments so provided, and shall prepare his ballot as follows: If he desires to vote for all the candidates of one political party he shall place a cross (X) within the circle above the name or designation of that party. In case he desires to vote for a candidate whose name is not printed under the circle in which he has marked, he shall cancel the name of the candidate in such column for whom he refuses to vote by drawing a line through such name, and shall vote for the candidate of his choice by marking a cross (X) in the square opposite the name of the candidate of his choice, or by writing in the right-hand column prepared for that purpose, under the proper title of the office, the name of the person for whom he desires to vote. In such case the vote shall be counted for the candidate against whose name a cross has been so marked, or whose name has been so inserted in the right-hand column, and such ballot shall not be counted for the candidate for the same office whose name is cancelled. When a voter has placed a cross (X) in any one circle, and has not made any mark in any other circle, such cross (X) shall be counted as a vote for each of the candidates in the column above which it is placed, except for those candidates whose names have been cancelled.

A cross in the square opposite the names of candidates for electors of president and vice president shall be counted as a vote for each. The voter may omit to mark in any circle, and may vote for the candidates of his choice by making a cross (X) in the square opposite their names, or he may insert the

names of persons for whom he desires to vote, in the blank or right-hand column, under the proper title of office, and such votes shall be counted. If a voter desires to vote upon a question submitted to the vote of the electors of the state or of any city or town, he shall mark in the appropriate square a cross (X) against the answer which he desires to give in addition to the cross made in any circle or square at the right of any candidate's name. Where a voter makes a cross (X) within the circle at the top of any column and also cancels a name in the column under such marked circle, but does not mark a cross (X) within the voting-square at the right of any name of a candidate for the same office in any other column, and fails to write in a name in the right-hand column in the space provided for a name to be written in for such office, said ballot shall be considered blank for such office.

Before leaving the voting-shelf or compartment, the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner provided by law before leaving the enclosed space, and shall deposit in the ballot-box his ballot with the official endorsement so that it may be seen by the warden or moderator, and the clerk shall check his name on the voting-list. He shall mark and deposit his ballot without undue delay, and shall quit said enclosed space as soon as he has voted. Not more than one person shall be permitted to occupy any voting-shelf or compartment at the same time, and no person shall remain in, or occupy, a voting-shelf or compartment longer than may be necessary to prepare his ballot, and in no case longer than five minutes. No voter, not an election officer, whose name has been checked on the list of the supervisors shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the warden or moderator to secure the observance of the provisions of this section.

Ballots not voted to be returned to supervisor.

SEC. 39. Every person who does not vote a ballot delivered to him by a supervisor of election shall, before leaving the enclosed space, return such ballot to the supervisor, and no person shall take or remove any ballot from the polling-place before the close of the polls. It shall be the duty of the warden or moderator, and of the supervisor or officer having charge of the exit, to prevent any voter from leaving the enclosed space until such voter has deposited his ballot or ballots, or has returned his unused ballot or ballots, as herein provided. If any voter inadvertently spoils a ballot, he may obtain another upon returning the spoiled one and satisfying the officer of the fact of the inadvertence. The ballots thus returned shall be immediately cancelled, and, together with those not distributed to the voters, shall be preserved and, with the voting-list used by the supervisors, which shall be certified by them to be such, shall be securely wrapped, sealed, and delivered to the several city and town clerks by the supervisors.

Voter unable to mark his ballot may be assisted.

SEC. 40. Any voter who declares to the warden or moderator that he cannot read the ballot, or that by blindness or other physical disability he is unable to mark his ballot, shall, at the request of the warden or moderator, receive the assistance of two of the supervisors, one a democrat and the other a republican, in the marking thereof, and such supervisors shall thereafter give no information regarding the same. The warden or moderator may, in his discretion, require such declaration of disability to be made by the voter under oath before him, and he is hereby authorized and qualified to administer the same.

Ballots are not to be counted, when.

SEC. 41. (As amended by Chapter 1229, Public Laws.) If for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office, but it shall be counted for all offices properly marked. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice, but no

voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. One line crossing another at any angle within the circle or any voting-square, or at the right of any name, shall be deemed a valid voting-mark. To cancel a name within the meaning of this chapter the voter shall draw a pencil mark through the full name. A cross (X) marked in a voting-square at the right of any name in a column above which the circle is marked shall be treated as surplusage, and the ballot shall not be deemed invalidated. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this chapter shall be counted. Ballots not counted shall be marked "Defective" on the back thereof and shall be preserved and returned with the other ballots: *Provided*, that in case no ballots are provided at any voting-place in accordance with the foregoing provisions of this chapter, or in case no such ballots are at the polls and ready for the use of voters, the voters at such voting-place may use any ballot and provide themselves therewith.

Polls to be kept open how long in town elections in certain towns.

No other business to be transacted.

This section applies to town elections only.

SEC. 42. In all towns having less than five hundred electors, the polls shall be kept open for at least three hours; and in towns having more than five hundred electors, the polls shall be kept open for at least five hours; and no other business shall be transacted while the polls are open. This section applies only to elections mentioned in section 3 of this chapter.

PENALTIES.

Penalty for violations of this chapter with regard to preparation of the ballot.

SEC. 43. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make any mark upon his ballot by which the same may be identified as the one voted by him, or who shall

make a false statement as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five nor more than one hundred dollars; and election-officers shall report any person so doing to any police officer on duty at the polls, whose duty it shall be to see that the offender is duly brought before the proper court.

Offenders to be prosecuted.

SEC. 44. Any person who shall be found in possession of any official ballot previous to or during an election, except as provided in this chapter, or who shall, previous to an election, willfully deface or destroy any list of candidates posted in accordance with the provisions of this chapter, or who, not having voted a ballot delivered to him by a supervisor of election, shall neglect or refuse to return such ballot to the supervisor before leaving said enclosed space, or who takes or removes, or attempts to take or remove, any ballot from the polling-place before the closing of the polls, or who, during an election, shall willfully deface, tear down, remove, destroy, or mark, any instruction-sheet or specimen-ballot printed or posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Penalty for violations of this chapter, with regard to the election generally.

SEC. 45. (As amended by Chapter 1229, Public Laws.) Any person who shall falsely make, or willfully deface or destroy, any certificate of nomination or nomination-paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination-paper or letter of with-

Penalty for fraudulent interference with election papers, ballots, etc.

drawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination-paper or letter of withdrawal, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot, or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots, and any person or persons who shall print, stamp, or affix, or cause to be printed, stamped, or affixed, upon any letter head, circular, or pamphlet used for political purposes, or upon political literature of any nature, a representation of the chosen emblem or device of any political party in this state without the consent in writing first had and obtained of the chairman of the state central committee of the political party whose chosen emblem or device is sought to be used for such purposes, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty for the non-performance of official duty.

SEC. 46. Any public officer upon whom a duty is imposed by this chapter, who shall willfully neglect to perform such duty, or who shall perform it in such a way as to hinder the objects of this chapter, shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Secretary of state to furnish ballots for secondary elections for officers mentioned in section 1.

SEC. 47. (As amended by Chapter 1229, Public Laws.) The provisions of this chapter shall apply in case of an adjourned or second or other subsequent election in any city or town, for any officer whose election is provided for in and by this chapter. In the case of such elections for officers mentioned in section 1 of this chapter it shall be the duty of the secretary of state to procure and furnish ballots in the form of the ballots provided for in this chapter, with the names of the candidates to be voted for arranged thereon according to the provisions of this chapter. In the case of such elections for officers mentioned in sections

2 and 3 of this chapter it shall be the duty of the clerk of such city or town to procure and furnish such ballots.

Ballots for secondary elections to be folded, and put up in packages.

SEC. 48. The ballots when printed for such adjourned or subsequent election shall be folded as is provided in this chapter, and shall be put up in packages of one hundred each. A record of the number of ballots printed and furnished to each voting-place shall be kept and preserved by such city or town clerk.

Number of ballots to be provided.

SEC. 49. (As amended by Chapter. 1229, Public Laws.) There shall be provided for each voting-place, at which an election is to be held, not less than sixty ballots for every fifty and every fraction of fifty qualified voters therein.

Supervisors of primary elections to act at secondary elections.

SEC. 50. The same supervisors of election who acted at the first election shall act at such second or adjourned or other subsequent election, and shall have and exercise the same powers and duties at such second or adjourned or other subsequent election as are prescribed in this chapter for them to have and exercise at said first election; and upon the receipt of such ballots the warden or moderator shall cause said ballots to be used at such election, and the supervisors shall perform the same duties as in the first election.

ACCEPTANCE BY TOWNS FOR TOWN ELECTIONS.

This chapter applies to town elections in what towns.

SEC. 51. The provisions of this chapter shall also apply to all elections by the people hereafter held in the towns of Cumberland and East Providence, and in every town which has accepted and adopted the provisions of Chapter 920 of the Public Laws, passed at the January session in the year 1891.

Towns may vote to adopt the provisions of this chapter for town elections.

SEC. 52. (As amended by Chapter 808, section 11, Public Laws.) If at least one-tenth in number of the qualified electors in any town, not including cities, shall, twenty days previous to any general election of state officers on the Tuesday next after the first Monday in November of any year, file with the

town clerk of such town a petition that the electors may, at such general election, cast their ballots for or against accepting the provisions of this chapter so far as the same apply to the elections mentioned in section 3 of this chapter, such town clerk shall give notice of the same in his warrant calling the town or district meetings, and shall at least eighteen days previous to the day of such election file with the secretary of state a certificate that the question "Shall the town accept the secret ballot law for towns?" is to be submitted to the vote of the electors in said town. If a majority of the ballots so cast shall be in favor of accepting the provisions of this chapter so far as the same apply as aforesaid, then the said provisions of this chapter shall be in effect in such town; but if a majority of the ballots so cast shall be against accepting the provisions of this chapter, then the said provisions of this chapter shall not take effect in said town.

CHAPTER 14, GENERAL LAWS.

General Provisions Concerning Elections.

Voters are exempted from arrest, when.

SECTION 1. All persons entitled to vote shall be protected from arrest in civil cases, on the days of election for city or town officers, and for state officers, representatives in congress, and electors of president and vice-president of the United States; and on the day preceding and day following such election.

Penalty for attempting to vote, or voting fraudulently.

SEC. 2. Every person who, in any election, shall fraudulently vote or attempt to vote, not being qualified, notwithstanding his name may be on the voting-list at the polling-place where he shall so vote or attempt to vote; or who shall fraudulently vote upon the name of any other person, or, having voted in one town, ward, or voting-district, shall vote

or attempt to vote in the same or in another town, ward, or voting-district; or who shall fraudulently vote or attempt to vote in a town, ward, or voting-district other than in the town, ward, or voting-district wherein he has his residence and home at the time of his voting or attempting to vote, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment not less than sixty days nor more than one year, or by both such fine and imprisonment in the discretion of the court; and no person after conviction of such offence shall thereafter be permitted to exercise the privilege of voting for any military or civil officer.

Penalty for bribing or intimidating voters.

SEC. 3. Every person who shall, directly or indirectly, give, or offer, or agree to give, to any elector, or to any person for the benefit of any elector, any sum of money or other valuable consideration, for the purpose of inducing such elector to give in or withhold his vote at any election in the state, or by way of reward for having voted or withheld his vote, or who shall use any threat, or employ any means of intimidation, for the purpose of influencing such elector to vote or withhold his vote, for or against any candidate or candidates or proposition pending at such election, shall be fined five hundred dollars, or be imprisoned not exceeding three months, either or both, at the discretion of the court; and no person convicted of such offence shall ever thereafter be permitted to exercise the privilege of voting for any civil or military officer, or upon any proposition pending before the people; and no evidence given by any witness testifying upon the trial of any charge of bribery shall be used against the person giving such evidence.

Limitation of prosecutions; complainant how paid.

SEC. 4. All prosecutions for offences against the provisions of this chapter shall be commenced within one year after the same shall have been committed, and not afterwards. And upon the presentation of a certificate of the clerk of any court of the final conviction in such court of any person under the

provisions of this chapter, the state auditor is hereby authorized and directed to draw his order on the general treasurer for the sum of fifty dollars, and deliver the same to the person complainant in such prosecution.

Appellate division may issue writ of mandamus, when.

SEC. 5. Whenever any person upon whom is imposed any duty connected with the calling, warning, or conducting of any town, ward, or district meeting or with the canvassing of the lists of voters for use at such meetings, or with the counting of the votes cast at the same, or the declaring of the result of such votes, shall fail, neglect, or refuse to perform such duty within the time specified by law for the performance of the same, the supreme court shall forthwith, upon the petition of any citizen of the city or town where such failure, neglect, or refusal occurred, issue its writ of mandamus ordering the person so failing, neglecting or refusing, to perform the duties in question within twenty-four hours from the time of the issuance of said writ; and if such failure, neglect, or refusal shall continue beyond the twenty-four hours specified in said writ, said court shall immediately appoint some suitable person to at once perform said duties, and the person so refusing to obey said writ of mandamus shall, in addition to the penalties prescribed by law for such failure, neglect, or refusal to perform his said duties, be liable to such further penalties for contempt of court as said court may impose for failure to obey said writ.

Penalty for neglect to obey the court.

Power to act of person appointed by the court.

SEC. 6. The person appointed by said court, as aforesaid, shall proceed immediately to perform the duties devolved upon him by said court, and the acts done by him in pursuance of such appointment shall be as effectual and valid in all respects as if the same had been done and performed by the person so failing, neglecting or refusing, at the time and in the manner provided by law.

SEC. 7. The person so appointed by said court, as aforesaid, shall be deemed to be an officer of said court and shall

have full and free access to all records and papers necessary to enable him to perform the duties devolved upon him by said court, and any person interfering with or in any way hindering his discharge of said duties shall be liable to such penalties as may be prescribed by said court for contempt, and it shall be the duty of the sheriffs of the several counties and their deputies to see that the provisions of this chapter are enforced within their respective counties.

To be deemed an officer of the court; penalty for hindering his action.

LIST OF VOTERS, BY WHOM FURNISHED.

By the provisions of Chapter 8 of the General Laws, corrected and certified lists of voters are to be furnished by town clerks to the moderators of town meetings in their respective towns. Section 13 of said chapter provides that "the town clerk of every town divided into districts for the purpose of voting shall send to the moderator of each of said districts a certified copy of the list for his district, before the time fixed for opening the district meetings for any election as aforesaid; and the city clerks of the several cities shall, from the list of voters so corrected, send separate lists of the voters of each ward and voting-district in said cities (which lists in the city of Newport shall be certified by the city clerk) to the clerks of the respective wards and voting-districts before the time fixed for the opening of the ward meetings." In the city of Providence, by subsequent provisions of this chapter, the voting-lists are to be supplied by the board of canvassers and registration.

CITY OF PROVIDENCE.

APPOINTMENT OF WARDENS, CLERKS, AND SUPERVISORS.

In the city of Providence the board of canvassers and registration now performs many of the duties in connection with elections that in other places are required of city or town clerks, and aldermen or town councilmen. All ballots cast in the city of Providence

for city officers, are to be returned by the district clerks to the board of canvassers and registration. By the provisions of Chapter 798, Public Laws, passed at the May session, 1900, the board of canvassers and registration now appoints the wardens, clerks, and supervisors for the city of Providence. Section 4 of said Chapter 798 provides as follows:

"SEC. 4. . . . . At least ten days prior to every election there shall be appointed by the board of canvassers and registration of said city a warden and clerk for each voting-district who shall be of different political parties, and four supervisors of election for each voting-district from lists to be submitted to said board in manner as now provided by law to be submitted to the board of aldermen of said city, and who shall severally be qualified electors in the voting-districts in which they shall be appointed to serve, and who shall severally be able to read the constitution of the state in the English language and to write their names. Said wardens, clerks, and supervisors shall have all the powers and be subject to all the liabilities and discharge all the duties conferred and imposed by law upon wardens, clerks, and supervisors of election respectively: *Provided*, that at every election the ballot-boxes shall be opened and the ballots therein sorted, counted, sealed up, and returned by said wardens and clerks only, under the personal supervision and scrutiny of said supervisors of election, but no supervisors of election shall at any time after the close of the polls handle any official ballot duly voted and contained in the ballot-box in any such polling-place. Said wardens, clerks, and supervisors shall severally receive from said city the sum of ten dollars for every election, and any vacancy occurring among said wardens, clerks, or supervisors of election, whether by resignation or refusal to serve, or by failure from any cause to appear at such polling-place or to remain thereat during the time when they are required by law to perform their said duties, shall be immediately filled by said board or by the presiding officer thereof if said board be not then in session."

CITY OF PAWTUCKET.

In relation to elections held in the city of Pawtucket, section 5 of Chapter 1018, Public Laws, provides "that at every election the ballot-boxes shall be opened and the ballots therein sorted, counted, sealed up, and returned by said wardens and clerks only, under the personal supervision and scrutiny of said supervisors of election, but no supervisors of election shall at any time after the close of the polls handle any official ballot duly voted and contained in the ballot-box in any such polling-place."

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